

Customer No.	026418	
Attorney's Docket No.:	GK-ZEI-3277 / 500343.20297	
U.S. Application No.:	10/533,394	
International Application No.:	PCT/EP2003/011925	
International Filing Date:	OCTOBER 28, 2003	28 OCTOBER 2003
Priority Date Claimed:	OCTOBER 28, 2002	28 OCTOBER 2002
Title of Invention:	OPHTHALMOLOGIC APPARATUS AND RELATED POSITIONING METHOD	
Applicant(s) for (DO/EO/US):	Oliver BAUMANN, Michael CLAUS, Axel DOERING, Ingo KOSCHMIEDER, Thomas SCHULZE and Bernd SPRUCK	

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☐ 1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
- ☒ 2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
- ☐ 3. This express request to begin national examination procedures [35 U.S.C. 371 (f)]. The submission must include items (5), (6), (9), and (21) indicated below.
- ☐ 4. The US has been elected (Article 31).
- ☐ 5. A copy of **Publication No. WO 2004/037077 06MAY04** the International Application as filed [35 U.S.C. 371(c)(2)]
- a) ☐ is attached hereto (required only if not communicated by the International Bureau).
- b) ☐ has been communicated by the international Bureau.
- c) ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
- ☐ 6. An English language translation of **Publication No. WO 2004/037077 06MAY04** the International Application as filed [35 U.S.C. 371(c)(2)]
- a) ☐ is attached hereto
- b) ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☐ 7. Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)]
- a) ☐ are attached hereto (required only if not communicated by the International Bureau).
- b) ☐ have been communicated by the international Bureau.
- c) ☐ have not been made; however, the time limit for making such amendments has **NOT** expired.
- d) ☐ have not been made and will not be made
- ☐ 8. An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)]
- ☒ 9. An EXECUTED Oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)]
- ☐ 10. An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)]

Items 11. to 20. Below concern other document(s) or information included:

- ☐ 11. **An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98**
- ☐ 12. An Assignment document for recording. A separate cover sheet (PTO-1595) in compliance with 37 CFR 3.28 and 3.31 is included.
- ☐ 13. **A preliminary amendment**
- ☐ 14. An Application Data Sheet under 37 CFR 1.76
- ☐ 15. **A substitute specification with abstract (attached to the preliminary amendment)**
- ☐ 16. A change of power of attorney and/or address letter
- ☐ 17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 V+CFR1.821-1.825.
- ☐ 18. A second copy of the published International Application under 35 U.S.C. 154 (d)(4).
- ☐ 19. A second copy of the English language translation of the International Application under 35 U.S.C. 154 (d)(4).
- ☒ 20. (other items or information) **371 Formalities letter dated September 26, 2005 (*OC000000017100963*).**

EXPRESS MAIL No.: **EL 962 858 266 US**

Deposited: **November 23, 2005**

I hereby certify that this correspondence is being deposited with the United States Postal Service Express mail under 37 CFR 1.10 on the date indicated above, and is addressed to: Mail Stop PCT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450

 /Ruth Montalvo Date: **November 23, 2005**

U.S. Application No. (if known, see 37 C.F.R. 1.50): **10/533,394**International Application No.: **PCT/EP2003/0011925**

Attorney's Docket No: GK-ZEI-3277 / 500343.20297

[] 21. The following fees are submitted:					Applicant use	Office use only
[] a) BASIC NATIONAL FEE					\$ 300.00	
[] b) Examination fee					\$ 200.00	
[] c) Search fee					\$ 500.00	
TOTAL OF ABOVE CALCULATIONS: \$ 1,000.00						
[] Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.						
Total sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number.)		Rate		
- 100 =	/50 =			X \$250.00	\$	
Surcharge of \$ 130.00 for furnishing the oath or declaration later than 30 month from the earliest claimed priority date (37 CFR 1.492(e))					\$	
Claims		Number Filed		Number Extra	Rate	
Total Claims: (Prel.Amdt)		10	- 20	0	X \$ 50.00	\$
Independent Claims:		4	- 3	1	X \$ 200.00	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)					+ \$ 360.00	\$
TOTAL OF ABOVE CALCULATIONS:					\$	
Surcharge of \$130.00 for furnishing the oath or declaration later than [] 20 [x] 30 months from the earliest claimed priority date [37 CFR 1.492(e)]					+	\$130.00
TOTAL OF ABOVE CALCULATIONS:					\$130.00	
[] Applicant claims Small Entity Status [See 37 CFR 1.27] Reduction by ½ for filing by small entity -						
SUBTOTAL:					\$130.00	
Processing fee of \$130.00 for furnishing the English Translation later than [] 20 [] 30 months from the earliest claimed priority date [37 CFR 1.492(f)]					+	
TOTAL NATIONAL FEE:					\$130.00	
Fee for recording the enclosed assignment [37 CFR 1.21(h)] The assignment must be accompanied by an appropriate cover sheet (PTO-1595) [37 CFR 3.28, 3.31]. \$ 40.00 per property					+	\$
TOTAL FEE(S):					\$130.00	
11/29/2005 GFREY1 00000084 10533394						
01 FC:1617 130.00 OP					AMOUNT TO BE REFUNDED	\$
					AMOUNT TO BE CHARGED	\$

(Please note the filing fee is based on the claims in the Preliminary Amendment)

- a) **[X]** Check in the amount of **\$ 130.00** to cover the above fees is enclosed.
- b) **[]** Please charge my Deposit Account No 50-1529 in the amount of \$.00 to cover the fee..
- c) **[X]** The Commissioner is hereby authorized to charge any additional fees required with this submission or to credit any overpayment to Deposit Account No: 50-1529.)
- d) **[]** Fee are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 36 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:**Gerald H. Kiel, Esq.****Reed Smith LLP****599 Lexington Avenue****New York, NY 10022-7650****(Customer No. 026418)****Signature:****Attorney:****Gerald H. Kiel****Reg. No.****25,116****Date:****November 23, 2005**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/533,394	Oliver Baumann	GK-ZEI-3277/500343.20297

INTERNATIONAL APPLICATION NO.

PCT/EP03/11925

IA. FILING DATE	PRIORITY DATE
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10/28/2003

10/28/2002

26418

REED SMITH, LLP

ATTN: PATENT RECORDS DEPARTMENT

599 LEXINGTON AVENUE, 29TH FLOOR

NEW YORK, NY 10022-7650

CONFIRMATION NO. 9038

371 FORMALITIES LETTER

OC000000017100963

OC000000017100963

DOCKET

Date Mailed: 09/26/2005

125 DUE *Nov. 26, 2005 Executed Oath Decl.*
April 26, 2006 Deadline

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/28/2005
- Copy of the International Search Report filed on 04/28/2005
- Preliminary Amendments filed on 04/28/2005
- Information Disclosure Statements filed on 04/28/2005
- Oath or Declaration filed on 04/28/2005
- U.S. Basic National Fees filed on 04/28/2005
- Substitute Specification filed on 04/28/2005
- Priority Documents filed on 04/28/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/533,394	PCT/EP03/11925	GK-ZEI-3277/500343.20297

FORM PCT/DO/EO/905 (371 Formalities Notice)